#21 B xxxx

THE UNITED STATES PATENT AND TRADEMARK OFFICE flication of: Attorney Peter Van Voris et al. Docket: Group Art: 08/771,467 Serial No.: Examiner: Neil Levy Filed: December 20, 1996 METHOD AND DEVICE FOR Title: PROTECTION OF WOODEN **OBJECTS PROXIMATE SOIL**

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

Assistant Commissioner for Patents Washington, D.C. 20231

FROM PEST INVASION

Dear Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

TIMOTHY G. ACKERMANN, Reg. No. 44,493 THOMAS E. ANDERSON, Reg. No. 37,063 BENJAMIN J. BAI, Reg. No. 43,481 MICHAEL J. BLANKSTEIN, Reg. No. 37,097 MARY JO BOLDINGH, Reg. No. 34,713 MARGARET A. BOULWARE, Reg. No. 28,708 ARTHUR J. BRADY, Reg. No. 42,356 MATTHEW O. BRADY, Reg. No. 44,554 DANIEL J. BURNHAM, Reg. No. 39,618 THOMAS L. CANTRELL, Reg. No. 20,849 RONALD B. COOLLEY, Reg. No. 27,187 THOMAS L. CRISMAN, Reg. No. 24,846 STUART D. DWORK, Reg. No. 31,103 WILLIAM F. ESSER, Reg. No. 38,053 ROGER J. FRENCH, Reg. No. 27,786 JANET M. GARETTO, Reg. No. 42,568 JOHN C. GATZ, Reg. No. 41,774 RUSSELL J. GENET, Reg. No. 42,571 J. KEVIN GRAY, Reg. No. 37,141

STEVEN R. GREENFIELD, Reg. No. 38,166 J. PAT HEPTIG, Reg. No. 40,643 SHARON A. ISRAEL, Reg. No. 41,867 JOHN R. KIRK JR., Reg. No. 24,477 PAUL R. KITCH, Reg. No. 38,206 TIMOTHY M. KOWALSKI, Reg. No. 44,192 HSIN-WEI LUANG, Reg. No. 44,213 JAMES F. LEA III, Reg. No. 41,143 ROBERT W. MASON, Reg. No. 42,848 ROGER L. MAXWELL, Reg. No. 31,855 ROBERT A. McFALL, Reg. No. 28,968 STEVEN T. McDONALD, Reg. No. 45,999 LISA H. MEYERHOFF, Reg. No. 36,869 STANLEY R. MOORE, Reg. No. 26,958 RICHARD J. MOURA, Reg. No. 34,883 MARK V. MULLER, Reg. No. 37,509 P. WESTON MUSSELMAN JR. Reg No. 31,644 DANIEL G. NGUYEN, Reg. No. 42,933 SPENCER C. PATTERSON, Reg. No. 43,849

RUSSELL N. RIPPAMONTI, Reg. No. 39,521 STEPHEN G. RUDISILL,, Reg. No. 20,087 HOLLY L. RUDNICK, Reg. No. 43,065 J.L. JENNIE SALAZAR, Reg. No. 45,065 KEITH W. SAUNDERS, Reg. No. 41,462 JERRY R. SELINGER, Reg. No. 26,582 ZACHARY J. SMOLINSKI, Reg. No. 47,100 GARY B. SOLOMON, Reg. No. 44,347 WAYNE O. STACY, Reg. No. 45,125 STEVE Z. SZCZEPANSKI, Reg. No. 27,957 ANDRE M. SZUWALSKI, Reg. No. 35,701 ALAN R. THIELE, Reg. No. 30,694 TAMSEN VALOIR, Reg. No. 41,417 RAYMOND VAN DYKE, Reg. No. 34,746 BRIAN D. WALKER, Reg. No. 37,751 GERALD T. WELCH, Reg. No. 30,332 HAROLD N. WELLS, Reg. No. 26,044 WILLIAM D. WIESE, Reg. No. 45,217

all of the firm of JENKENS & GILCHRIST, a Professional Corporation, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to:

Steven Z. Szczepanski, Esq. Jenkens & Gilchrist, P.C. 1445 Ross Avenue, Suite 3200 Dallas, Texas 75202-2799 312/425-8580 214/855-4300 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment referenced below, and certifies that to the best of his knowledge and belief, title remains in the name of Battelle Memorial Institute K1-53.

ASSIGNEE: BATTELLE MEMORIAL INSTITUTE K1-53

Date: Dell, 2000

By: Stephen R. May

Title: Contracting Officer

ASSIGNMENT:

Enclosed for recording

Previously recorded Date: 12/20/96

Date: 12/20/96 Reel 8384

Frame: 0684